

**IMPERIAL BEACH CITY COUNCIL
REDEVELOPMENT AGENCY
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY**

OCTOBER 21, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

**CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.**

CLOSED SESSION

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, King, Rose
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; Deputy City Clerk Wolfson
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CLOSED SESSION

MOTION BY MCCOY, SECOND BY ROSE, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 800 Seacoast Dr., Imperial Beach, CA 91932, APN No. 625-262-01-00

Agency Negotiator: City Attorney and City Manager

Negotiating Parties: Imperial Coast Limited Partnership

Under Negotiation: Instruction to Negotiators will concern price and/or terms of payment

MOTION CARRIED UNANIMOUSLY.

MAYOR PRO TEM BRAGG announced she had a potential conflict of interest on the Closed Session item due to her employment and she recused herself from the item.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present: McCoy, King, Rose
Mayor present: Janney
Mayor Pro Tem present: Bragg

Staff present: City Manager Brown; City Attorney Lough;
Deputy City Clerk Wolfson

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCCOY congratulated IB Beautiful for its success with the Farmers Market and she encouraged patronage of the Farmers Market; although she was not able to attend the Dempsey Holder surf contest, she was told it was a great success and she thanked Wildcoast for hosting the event.

COUNCILMEMBER KING reported he attended the surf contest and the Taste of I.B.

COUNCILMEMBER ROSE spoke about the Farmers Market; she reported that last Sunday's travel section of the Union-Tribune featured a positive article about I.B. and she requested a copy of it be displayed at City Hall.

MAYOR PRO TEM BRAGG spoke about the Farmers Market and encouraged all to attend and support; she reported the Taste of I.B. was sold out.

Item No. 1.2 was taken at this time.

PRESENTATIONS (1.2)

1.2 PRESENTATION ON "SAVE YOUR CITY." (0460-20)

MAYOR PRO TEM BRAGG distributed documents from the League of California Cities encouraging support of local government and transportation funding and she requested the item be brought back to Council for consideration.

MAYOR JANNEY spoke about state takeaways.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JUNE ENGEL, I.B. Library Branch Manager, gave an update on the library and spoke about the increase in circulation; she announced that a costume contest is scheduled for October 28; Mayor Pro Tem Bragg and Councilmember McCoy, and members of the Fire Department and Sheriff's Department will judge the event.

DAREN JOHNSON stated he is unable to attend the entire duration of tonight's council meeting and raised concerns regarding the sand dredge, specifically with regard to the size of the grate and requested the use of a three-inch grate; he also expressed concern regarding high mercury levels in the water.

EMILY YOUNG requested speaker slips be read into the record.

BILL LANDRY, of the Fleet Association, invited Council to a Veterans Day celebration where an American flag will be presented to honor the late Councilmember McLean and others serving the country.

MAYOR JANNEY thanked Mr. Landry for the invitation and responded that staff will look into attending the event.

ANTONIA RAMIREZ spoke about the San Diego City Council and Father Joe's shelter who denied shelter to the homeless, and asked Imperial Beach to help close the shelter; at this time she also spoke on Item No. 1.2.

PRESENTATIONS (1.1)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil-recycling premiums to Nidge Lange.

MARCO TOPETE, of EDCO, presented the \$100.00 check to Ms. Lange.

CONSENT CALENDAR (2.1 - 2.5)

With regard to Item No. 2.3, CITY ATTORNEY LOUGH commented that there may be minor changes to the resolution as Sections 2 and 3 dictate that everything shall proceed as written; however, Section 4 allows changes to be made.

MAYOR JANNEY announced that a revised position description had been submitted as Last Minute Agenda Information for Item No. 2.4.

MOTION BY KING, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.

Discussion ensued regarding Item No. 2.3.

2.1 MINUTES.

Approved the minutes of the regular City Council Meetings of September 2, 2009 and September 23, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69664 through 69736 with the subtotal amount of \$96,887.03; and Payroll Checks 41749 through 41807 for the pay

period ending 09/24/09 with the subtotal amount of \$151,280.88; for a total amount of \$248,167.91.

- 2.3 RESOLUTION NO. 2009-6812 – APPROVING A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH. (0340-90)**

Adopted resolution.

- 2.4 RESOLUTION NO. 2009-6813 – AMENDING FY 2009-2011 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR DEPUTY BUILDING OFFICIAL. (0510-20 & 0520-75)**

Adopted resolution.

- 2.5 RESOLUTION NO. 2009-6817 – AMENDING FY 2009-2011 SALARY AND COMPENSATION PLAN TO ADD THE POSITION DESCRIPTION AND SALARY RANGE FOR ANIMAL CONTROL/COMMUNITY SERVICES OFFICER. (0510-20 & 0520-75)**

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

- 3.1 ORDINANCE NO. 2009-1092 – AMENDING TITLE 4 OF THE IMPERIAL BEACH MUNICIPAL CODE BY AMENDING SECTION 4.04.090 AND CHAPTER 4.28, PERTAINING TO MASSAGE. (0390-95)**

A revised ordinance was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH gave a report on the item and answered questions of Council; he clarified that the ordinance affects individuals’ requirements for licensing, not establishments, and affects business license fees, and does not impact zoning.

FINANCE DIRECTOR MCGRANE answered questions of Council.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1092.

DEPUTY CITY CLERK WOLFSON read the title of Ordinance No. 2009-1092, “An Ordinance of the City Council of the City of Imperial Beach, California, amending Title 4 – Business Taxes, Licenses and Regulations to amend Section 4.04.090 – Business License Fee Schedule and amend Chapter 4.28 – Massage Establishments and Technicians.”

MOTION BY MCCOY, SECOND BY KING, TO WAIVE FURTHER READING AND DISPENSE WITH THE INTRODUCTION OF ORDINANCE NO. 2009-1092 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1 - 5.2)

**5.1 PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2010-2011
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-33)**

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH explained that Councilmember Rose had a conflict of interest on one of the proposed projects (Louden Lane crosswalk) due to the proximity of her property; if Council decided to proceed with the project, she would need to disqualify herself from that portion; or if Council opted to not proceed with the project, Councilmember Rose would not need to disqualify herself.

COUNCILMEMBER ROSE announced she would disqualify herself from discussion of the entire item and left Council Chambers at 6:42 p.m.

ASSISTANT PROJECT MANAGER CUMMING gave a report on the item and answered questions of Council.

PUBLIC WORKS DIRECTOR LEVIEN also answered questions of Council.

City Council discussion ensued.

TIM O'NEAL, of the Imperial Beach Skateboard Association, expressed his desire to have CDBG funds go toward the skate park; if the skate park were not an option, he voiced his support for the Louden Lane crosswalk.

CANDY UNGER echoed comments made by Mr. O'Neal.

Discussion ensued regarding the skate park and the difficulties faced in obtaining CDBG funds for the project.

Consensus of Council to have staff ask the County again if CDBG funds can be used toward the skate park and to contact Grindline for a list of projects they've completed where CDBG funds were used.

SERGE DEDINA suggested staff re-request CDBG funds be used towards the skate park as HUD administration has changed; he also suggested kids going to Washington, D.C. to lobby for this purpose; and he offered his wife's professional grant writing assistance.

MARY CRIST asked questions regarding the Marina Vista Center project and its usage, to which Assistant Project Manager Cumming responded.

**MOTION BY MCCOY, SECOND BY BRAGG, TO CONTINUE THE PUBLIC HEARING TO
THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF NOVEMBER 4, 2009
AT 6:00 P.M. MOTION CARRIED BY THE FOLLOWING VOTE:**

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE

ABSENT: **COUNCILMEMBERS:** **NONE**
DISQUALIFIED: **COUNCILMEMBERS:** **ROSE** (DUE TO A POTENTIAL CONFLICT OF INTEREST)

COUNCILMEMBER ROSE returned to Council Chambers at 7:07 p.m.

5.2 RESOLUTION NO. 2009-6815 – APPROVING A BOUNDARY CHANGE TO THE EXISTING UNDERGROUND UTILITY DISTRICT – 600 BLOCK OCEAN LANE (600 BLOCK OCEAN LANE UNDERGROUND UTILITY DISTRICT). (0810-20)

COUNCILMEMBER MCCOY announced she had a potential conflict of interest due to the proximity of her home to the project, and she left Council Chambers at 7:08 p.m.

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and answered questions of Council.

TIM O'NEAL supported the item (did not wish to speak).

CANDY UNGER asked questions regarding the project.

PUBLIC WORKS DIRECTOR LEVIEN responded to Ms. Unger's questions and stated that a public meeting will be held when plans are ready so residents can have an opportunity to have their questions answered.

MAYOR JANNEY closed the public hearing.

MOTION BY BRAGG, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6815 – REGARDING THE PUBLIC HEARING APPROVING A BOUNDARY CHANGE TO THE EXISTING UNDERGROUND UTILITY DISTRICT – 600 BLOCK OCEAN LANE (600 BLOCK OCEAN LANE UNDERGROUND UTILITY DISTRICT. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER MCCOY returned to Council Chambers at 7:22 p.m.

REPORTS (6.1 - 6.4)

6.1 RESOLUTION NO. 2009-6816 – REJECTING ALL BIDS FOR A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – STATE ROUTE 75 MEDIAN LANDSCAPE MAINTENANCE PROGRAM. (0940-10)

CITY MANAGER BROWN introduced the item.

MOTION BY ROSE, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6816 – REJECTING ALL BIDS FOR A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – STATE ROUTE 75 MEDIAN LANDSCAPE MAINTENANCE PROGRAM. MOTION CARRIED UNANIMOUSLY.

6.2 ANALYSIS OF NON-HOUSING TAX INCREMENT FUNDS. (0340-90)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item.

CITY MANAGER BROWN reported on the item.

Discussion ensued regarding the flooding of a house on 8th St. and Calla Ave., transit, the eco-bikeway, CDBG, the skate park, a soccer field, and the airport property. Council expressed concerns about hits to investment funds, the difficulty in generating money for the General Fund, and not wanting to spend RDA money on non-revenue-generating projects. They also voiced their desire for a special meeting to discuss the CIP budget and Redevelopment budget.

Consensus of Council to conduct a budget workshop meeting in November.

TERESA IRISH appreciated the idea of having a workshop; she spoke about creating jobs by having projects.

6.3 RESOLUTION NOS. 2009-6814 AND R-09-197 – AWARDING A CONTRACT AND AUTHORIZING A BUDGET AMENDMENT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK MASTER PLAN – RDA – YOUTH SOCCER FIELD (CIP P03-502). (0920-70)

CITY MANAGER BROWN introduced the item.

Council expressed desire to postpone discussion of this item until a budget workshop can be conducted, as decided during Item No. 6.2. Discussion ensued regarding the bid process and the resulting bid delays, and regarding the grant funding for the project.

CITY ATTORNEY LOUGH recommended the item be continued one meeting only.

PUBLIC WORKS DIRECTOR LEVIEN discussed artificial turf design since grass presents maintenance difficulties and increased water costs, he reported that the construction costs for the project may exceed \$300,000, which is more than was originally anticipated; and he presented an artificial turf sample to Council.

MOTION BY MCCOY, SECOND BY BRAGG, TO CONTINUE THE ITEM UNTIL THE NEXT REGULARLY SCHEDULED COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

Additional discussion ensued regarding having the budget workshop scheduled before the next regularly scheduled Council meeting.

**6.4 PROPOSED ARMY CORPS OF ENGINEERS NEARSHORE SAND DEPOSIT.
(0220-70)**

Faxed correspondence from Serge Dedina was submitted as Last Minute Agenda Information.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item; he commented that despite project being placed on hold, mostly for a pilot study project, there have been many goings on since the last Council meeting and drafting of staff report.

Discussion ensued regarding the use of a more restrictive, three-inch grate; comments made by Mr. Johnson; the disposal site; the Army Corps of Engineers; the California Coastal Commission's requirements; core samples; and chemical analysis. Council expressed their desire for a list of chemicals present in the sample (available in the environmental assessment).

SERGE DEDINA suggested the City meet with stakeholders to discuss water quality, beach quality, and sea level rise; he requested he be involved in discussions; he also spoke of developing a comprehensive plan and national model (additional speaking time donated by Tim O'Neal).

COMMUNITY DEVELOPMENT DIRECTOR WADE stated he has requested the Army Corps, the EPA, the Coastal Sediment Management Working Group, and the Coastal Commission to keep staff informed every step of the way; he voiced his request for Council's direction to forward comments to the Army Corps, the EPA, and the Coastal Commission staff that recommendations are, as part of the debris management plan, a three inch grate to be used on the dredge arms, and the Army Corps equip the dredge with a pump out system so the dredge can be used in the future for inshore disposal for this project; per Council's request, he will provide to Council and public the environmental assessment, including the chemical analysis, and ballast map.

Consensus of Council to have Community Development Director Wade forward comments to appropriate agencies.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:40 p.m.

James C. Janney, Mayor

Lisa Wolfson
Deputy City Clerk